



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,681	05/24/2006	Gero Schollmeier	0119010-00097	1390
29177 7590 11/14/2008 BELF., BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690				
EXAMINER				
KAO, JUTAI				
ART UNIT		PAPER NUMBER		
2416				
MAIL DATE		DELIVERY MODE		
11/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,681

Applicant(s)

SCHOLLMEIER ET AL.

Examiner

JUTAI KAO

Art Unit

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 9 and 10 are objected to because of the following informalities: minor errors on word usages.

Regarding claim 9, line 2 recites "in which at least on of the...", wherein the "on" is believed to be a "one".

Regarding claim 10, lines 1-2, which recites "wherein a connection path established via the path search method and leading to a destination network node are store respectively", the underlined portion uses the plural "are...respectively" with a singular connection path; also, "store" is believed to be "stored".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mouri (US 2003/0023751) in view of Yun (US 2008/0186961).

Mouri discloses a plural-routes search method and network system including the following features.

Regarding claim 9, a method for path searching in a network node (see Plural – routes search operating system 400 in Fig. 5) for a packet-switching communication network (see network in Fig. 2, 4 or 11) having a plurality of network nodes (see nodes A-1 in Fig. 2, 4 or 11) in which at least one of the plurality of network nodes is a destination network node (see “terminal node” recited in the abstract), the method comprising: evaluating the routing protocol information via at least two different path search methods (see X-directional route searching module 1 and Y-directional route searching module 2 in Fig. 3; that is, one search method searches the X-direction while another search method searches the Y-direction); selecting a path search method for each destination network node (see optimal route selecting module 3 in Fig. 3, which compares the result of “the X-directional route searching module 1 and...Y-directional searching module” as recited in paragraph [0043] and “determining the group having a smaller sum as an optimal route” as recited in the abstract; that is, the result of a search method is selected); and storing selection results in a routing table (see “Route information table after determined” as shown in Fig. 9).

Regarding claim 10, wherein a connection path established via the path search method and leading to a destination network node are stored respectively (see "connection group table" in Fig. 8), fed to a discriminator that selects one connection path discriminator that selects one connection path from the set of connection paths established via the path search methods and leading to a destination network node (see optimal route selecting module 3 in Fig. 3, which compares the result of "the X-directional route searching module 1 and...Y-directional searching module" as recited in paragraph [0043] and "determining the group having a smaller sum as an optimal route" as recited in the abstract; that is, the result of a search method is selected) and inputs this connection path in a table of the network node (see "Route information table after determined" as shown in Fig. 9).

Regarding claim 11, wherein a shortest path search method is used as the path search method (see "searching a first shortest route..." recited in the abstract).

Regarding claim 12, wherein a multipath search method is used as the path search method (see "Plural-routes search method" recited in the title).

Regarding claim 13, wherein the table is a routing table (see "Route information table" shown in Fig. 9).

Regarding claim 14, wherein the table is a control table (see "Route information table" shown in Fig. 9, in which the routing table is a control table, since it controls the routing of the system).

Regarding claim 15, a network node (see Plural –routes search operating system 400 in Fig. 5) for a packet-switching communications network (see network in Fig. 2, 4

or 11) having a plurality of network node (see nodes A-I in Fig. 2, 4 or 11) in which at least one of the plurality of network nodes is a destination network node or a destination system is linked to at least one of the plurality of network nodes (see "terminal node" recited in the abstract), comprising: at least two different path search algorithms stored in the network node (see X-directional route searching module 1 and Y-directional route searching module 2 in Fig. 3; that is, one search method searches the X-direction while another search method searches the Y-direction); and a routing table for storing the result of a specific path search algorithm for each destination network node (see "Route information table after determined" as shown in Fig. 9).

Regarding claim 16, wherein a discriminator is provided to select the results of the different path search algorithms (see optimal route selecting module 3 in Fig. 3, which compares the result of "the X-directional route searching module 1 and...Y-directional searching module" as recited in paragraph [0043] and "determining the group having a smaller sum as an optimal route" as recited in the abstract; that is, the result of a search method is selected).

Regarding claim 17, wherein one of the available path search algorithms is selected by a discriminator (see optimal route selecting module 3 in Fig. 3, which compares the result of "the X-directional route searching module 1 and...Y-directional searching module" as recited in paragraph [0043] and "determining the group having a smaller sum as an optimal route" as recited in the abstract; that is, the result of a search method is selected) and a resulting information is stored in a routing table (see "Route information table after determined" as shown in Fig. 9).

Regarding claim 18-20, wherein one of the available path search algorithms is selected for each destination network node or destination system (see optimal route selecting module 3 in Fig. 3, which compares the result of "the X-directional route searching module 1 and...Y-directional searching module" as recited in paragraph [0043] and "determining the group having a smaller sum as an optimal route" as recited in the abstract; that is, the result of a search method is selected) and a resulting information is stored in the routing table (see "Route information table after determined" as shown in Fig. 9).

Mouri does not disclose the following features: regarding claim 9 and 15, the method of the exchanging and feeding of information via a routing protocol.

Yun discloses a system for reevaluating granted arbitrated bids including the following features.

Regarding claim 9 and 15, the method comprises exchanging information via a routing protocol (see "routing protocol where all of the routers on the Internet exchange information about the connectivity of the network and compute routing tables based on this information" as recited in paragraph [0007]).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Mouri using features, as taught by Yun, in order to obtain essential information for computing routing tables.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUTAI KAO whose telephone number is (571)272-9719. The examiner can normally be reached on Monday ~Friday 7:30 AM ~5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on (571)272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ju-Tai Kao

/Ju-Tai Kao/
Acting Examiner of Art Unit 2416

/Kwang B. Yao/
Supervisory Patent Examiner, Art Unit 2416